IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION No: 3522 of 2005**

Between:

M. Venkateswarlu, S/o. Ramaiah,

Aged 70 yrs, PDS Kerosene Hawker,

R/o. Ponugupadu village,

Phirangipuram Mandal,

Guntur District.

**..... PETITIONER**

AND

1. The Revenue Divisional Officer,

Narasaraopeta, Guntur District.

2. The Mandal Revenue Officer,

Narasaraopet, Guntur District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order of direction one in the nature of Writ of Mandamus declaring the order in Appeal Case No.2/04-B dated 14-11-2004 passed by the 1st respondent confirming the order of the 2nd respondent dated 14-9-2004 as illegal, void, arbitrary and unjust and in violation of principles of natural justice and fair play and consequently direct the respondents to continue the petitioner as PDS Kerosene hawker of Dondapoadu village, Narasaraopet Mandal of Guntur District.

**Counsel for the Petitioner: MR.SINGAMSRINIVASA RAO**

**Counsel for the Respondents: GP FOR CIVIL SUPPLIES**

**The Court at the admission stage made the following:**

**ORDER:**

The petitioner is a hawker of Donapadu Village, Narasaraopet Mandal, Guntur District. The licence was suspended by the 2nd respondent through his order, dated 14.09.2004. Aggrieved thereby, the petitioner preferred an appeal before the 1st respondent. Initially, stay was granted on 19.10.2004, but thereafter the appeal was rejected by the 1st respondent on 14.11.2004. The petitioner challenges the same.

Heard learned counsel for the petitioner and Government Pleader for Civil Supplies.

The 2nd respondent suspended the licence of the petitioner pending enquiry. The petitioner preferred an appeal before the 1st respondent. An interim order was granted on 19.10.2004, but thereafter the appeal was rejected by an order, dated 14.11.2004. The only allegation against the petitioner is that he is not a resident of the village concerned. The questions as to whether the person must be a resident of the village is a condition precedent for grant of licence or whether the petitioner is a resident of a different village, need to be considered at the time of enquiry that may be conducted by the 2nd respondent. As of now, four months have elapsed. It is stated that no show cause notice has been given to the petitioner as yet. For the fact that more than three months have elapsed, this Court would certainly have considered the feasibility of permitting the petitioner to function as hawker. Be that as it may, the 2nd respondent cannot sit over the matter simply by suspending the licence of the petitioner.

Hence, the writ petition is disposed of, directing that-

a. The 2nd respondent shall issue show cause notice. Consider the explanation and pass appropriate orders finally, within a period of four weeks from the date of receipt of a copy of this order.

b. In case the 2nd respondent fails to pass final orders in the proceedings initiated against the petitioner within four weeks from the date of receipt of this order, the order of suspension shall stand revoked.

c. There shall be no order as to costs.

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25.02.2005

Note: Issue C.C. in two days.

(B/o)

**Jsu**

To

1. The Revenue Divisional Officer,

Narasaraopeta, Guntur District.

2. The Mandal Revenue Officer,

Narasaraopet, Guntur District.

**3** 2 CCs to the G.P. for Civil Supplies, High Court Buildings,

Hyderabad. (OUT)

4 2 CD copies.